

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN LASPISA,

Plaintiff,

v.

1:17-CV-0556
(GTS/DJS)

CITIFINANCIAL; and DOES 1 TO 20,

Defendants.

APPEARANCES:

JOHN LASPISA
Plaintiff, *Pro Se*
166 Ballston Ave
Ballston Spa, New York 12020

GLENN T. SUDDABY, Chief United States District Judge

DECISION and ORDER

Currently before the Court, in this *pro se* civil rights action filed by John Laspisa (“Plaintiff”) against the above-captioned entity and Does 1 to 20 (“Defendants”), is United States Magistrate Judge Daniel J. Stewart’s Report-Recommendation recommending that this action be *sua sponte* dismissed pursuant to 28 U.S.C. § 1915(e) unless, within (30) days of the date of a Decision and Order adopting the Report-Recommendation, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation. (Dkt. No. 5.) Plaintiff has not filed an objection to the Report-Recommendation, and the deadline in which to do so has expired. (See generally Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Stewart’s thorough Report-Recommendation, the Court can find no clear-error in the Report-

Recommendation.¹ Magistrate Judge Stewart employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein.

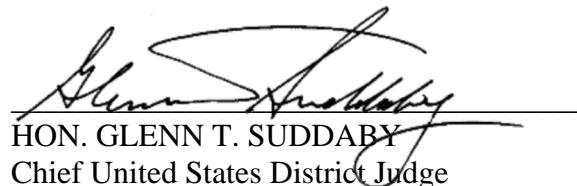
ACCORDINGLY, it is

ORDERED that Magistrate Judge Stewart's Report-Recommendation (Dkt. No. 5) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

ORDERED that this action shall be *sua sponte* **DISMISSED** pursuant to 28 U.S.C. § 1915(e) unless, within **THIRTY (30) DAYS** of the date of this Decision and Order, Plaintiff files an Amended Complaint that corrects the pleading defects identified in the Report-Recommendation; and it is further

ORDERED that, if Plaintiff files an Amended Complaint within the referenced thirty-day period, then the Amended Complaint shall be referred to Magistrate Judge Stewart for his review; if, however, Plaintiff fails to file an Amended Complaint within the referenced thirty-day period, then this action shall be dismissed without further Order of the Court.

Dated: August 30, 2017
Syracuse, New York



HON. GLENN T. SUDDABY
Chief United States District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a “clear error” review, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).